

grain for resale. Neither products nor byproducts derived therefrom (except vegetable oils as defined by the Secretary and used as a dust suppressant) shall be blended with or added to grain in commercial channels.

(e)(1) The Secretary may prohibit the contamination of sound and pure grain as a result of the introduction of—

- (A) nongrain substances;
- (B) grain unfit for ordinary commercial purposes; or
- (C) grain that exceeds action limits established by the Food and Drug Administration or grain having residues that exceed the tolerance levels established by the Environmental Protection Agency.

(2) No prohibition imposed under this section shall be construed to restrict the marketing of any grain so long as the grade or condition of the grain is properly identified.

(3) Prior to taking action under this subsection, the Secretary shall promulgate regulations after providing for notice and an opportunity for public comment, that identify and define actions and conditions that are subject to prohibition.

(4) In no case shall the Secretary prohibit the blending of an entire grade of grain.

(5) In implementing paragraph (1)(C), the Secretary shall report any prohibitions to other appropriate public health agencies.

(Aug. 11, 1916, ch. 313, pt. B, §13, as added Aug. 15, 1968, Pub. L. 90-487, §1, 82 Stat. 766; amended Oct. 21, 1976, Pub. L. 94-582, §15, 90 Stat. 2883; Sept. 29, 1977, Pub. L. 95-113, title XVI, §§1604(j), 1606(h), 91 Stat. 1029, 1030; Nov. 10, 1986, Pub. L. 99-641, title III, §303(a), 100 Stat. 3564; Nov. 28, 1990, Pub. L. 101-624, title XX, §2008, 104 Stat. 3931; Nov. 24, 1993, Pub. L. 103-156, §§7, 12(l), 107 Stat. 1526, 1529; Oct. 13, 1994, Pub. L. 103-354, title II, §293(a)(7), 108 Stat. 3237.)

AMENDMENTS

1994—Subsecs. (a)(2), (13), (d)(2)(D), (E)(iii), (e)(1), (3) to (5). Pub. L. 103-354 substituted “Secretary” for “Administrator” wherever appearing.

1993—Pub. L. 103-156, §12(l), which directed amendment of “Section 13”, without specifying the name of the Act being amended, was executed to this section, which is section 13 of the United States Grain Standards Act, to reflect the probable intent of Congress.

Subsec. (a)(2). Pub. L. 103-156, §12(l)(1), substituted “the representative of the Administrator” for “his representative”.

Subsec. (a)(7), (8). Pub. L. 103-156, §12(l)(2), substituted “the duties of the officer, employee, or other person” for “his duties”.

Subsec. (a)(9). Pub. L. 103-156, §12(l)(3), substituted “the person” for “he”.

Subsec. (a)(11). Pub. L. 103-156, §7, amended par. (11) generally. Prior to amendment, par. (11) read as follows: “violate any provision of section 77; 78; 79(f)(2), (3), or (4); 79a; 79b(c); 84; 87; 87a; or 87f-1 of this title;”.

1990—Subsec. (e). Pub. L. 101-624 added subsec. (e).

1986—Subsec. (d). Pub. L. 99-641 added subsec. (d).

1977—Subsec. (a)(6). Pub. L. 95-113, §§1604(j)(1), 1606(h), substituted “or condition” for “condition, or quantity” and inserted “, or that any weighing service under this chapter has been performed with respect to grain” after “official inspection under this chapter”.

Subsec. (a)(11). Pub. L. 95-113, §1604(j)(2), inserted references to sections 79(f)(3) and (4) and 87f-1 of this title.

Subsec. (a)(12). Pub. L. 95-113, §1604(j)(3), substituted “weighing equipment” for “testing equipment”.

Subsec. (a)(13). Pub. L. 95-113, §1604(j)(4), substituted “financial interest in grain” for “financial interest in the grain” and “loading of the grain” for “loading of grain”.

1976—Subsec. (a)(1). Pub. L. 94-582, §15(a)(1), substituted “official mark” for “official inspection mark”.

Subsec. (a)(2). Pub. L. 94-582, §15(a)(2), substituted “official mark” for “official inspection mark” in three places, “official certificate” for “official inspection certificate” and “Administrator” for “Secretary”.

Subsec. (a)(3). Pub. L. 94-582, §15(a)(2), prohibited deceptive weighing of grain or submitting grain for official weighing or supervision of weighing knowing it has been deceptively weighed without disclosure before official weighing or supervision of weighing.

Subsec. (a)(5). Pub. L. 94-582, §15(a)(3), substituted “official mark” for “official inspection mark” and inserted “or officially weighed, respectively,” after “such container”.

Subsecs. (a)(7), (8). Pub. L. 94-582, §15(a)(4), inserted “or personnel of agencies delegated authority or of agencies or other persons designated under this chapter” after “personnel”.

Subsec. (a)(9). Pub. L. 94-582, §15(a)(5), inserted “or official weighing or supervision of weighing” after “official inspection”.

Subsec. (a)(10). Pub. L. 94-582, §15(a)(5), (6), inserted “or official weighing or supervision of weighing” after “official inspection” and struck out “or” at end.

Subsec. (a)(11). Pub. L. 94-582, §15(a)(5), inserted after “sections 77, 78,” references to “79(f)(2), 79a, 79b(c)”.

Subsecs. (a)(12), (13). Pub. L. 94-582, §15(a)(6), added pars. (12) and (13).

Subsec. (b)(2). Pub. L. 94-582, §15(b), substituted “inspection or weighing function” for “inspection function”.

EFFECTIVE DATE OF 1986 AMENDMENT

Section 303(b) of Pub. L. 99-641 provided that: “The amendments made by this section [amending this section] shall become effective on May 1, 1987.”

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-113 effective Oct. 1, 1977, see section 1901 of Pub. L. 95-113, set out as a note under section 1307 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

For effective date of amendment by Pub. L. 94-582, see section 27 of Pub. L. 94-582, set out as a note under section 74 of this title.

EFFECTIVE DATE

For effective date of section, see section 2 of Pub. L. 90-487, set out as an Effective Date of 1968 Amendment note under section 78 of this title.

BENEFITS AND COSTS ASSOCIATED WITH IMPROVED GRAIN QUALITY

Administrator of Federal Grain Inspection Service to estimate economic impact, including benefits and costs and distribution of such benefits and costs, of any major changes necessary to carry out amendments to this section by title XX of Pub. L. 101-624 prior to making such changes, see section 2003 of Pub. L. 101-624, set out as a note under section 76 of this title.

CROSS REFERENCES

Punishment for violating the provisions of this section, see section 87c of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 85, 86, 87c of this title.

§ 87c. Criminal penalties

(a) Any person who commits any offense prohibited by section 87b of this title (except an of-

fense prohibited by paragraphs (a)(7), (a)(8), and (b)(4) in which case the person shall be subject to the general penal statutes in title 18 relating to crimes and offenses against the United States) shall be guilty of a felony and shall, on conviction thereof, be subject to imprisonment for not more than five years, or a fine of not more than \$20,000, or both such imprisonment and fine.

(b) Nothing in this chapter shall be construed as requiring the Secretary to report minor violations of this chapter for criminal prosecution whenever the Secretary believes that the public interest will be adequately served by a suitable written notice or warning, or to report any violation of this chapter for prosecution when the Secretary believes that institution of a proceeding under section 86 of this title will obtain compliance with this chapter and the Secretary institutes such a proceeding.

(c) Any officer or employee of the Department of Agriculture assigned to perform weighing functions under this chapter shall be considered as an employee of the Department of Agriculture assigned to perform inspection functions for the purposes of sections 1114 and 111 of Title 18.

(Aug. 11, 1916, ch. 313, pt. B, §14, as added Aug. 15, 1968, Pub. L. 90-487, §1, 82 Stat. 767; amended Oct. 21, 1976, Pub. L. 94-582, §17, 90 Stat. 2884; Nov. 24, 1993, Pub. L. 103-156, §§8, 12(m), 107 Stat. 1527, 1529; Oct. 13, 1994, Pub. L. 103-354, title II, §293(a)(7), 108 Stat. 3237.)

AMENDMENTS

1994—Subsec. (b). Pub. L. 103-354 substituted “Secretary” for “Administrator” wherever appearing.

1993—Pub. L. 103-156, §12(m), which directed amendment of “Section 14”, without specifying the name of the Act being amended, was executed to this section, which is section 14 of the United States Grain Standards Act, to reflect the probable intent of Congress.

Subsec. (a). Pub. L. 103-156, §§8, 12(m)(1), substituted “the person” for “he”, and struck out “shall be guilty of a misdemeanor and shall, on conviction thereof, be subject to imprisonment for not more than twelve months, or a fine of not more than \$10,000, or both such imprisonment and fine; but, for each subsequent offense subject to this subsection, such person” before “shall be guilty of a felony”.

Subsec. (b). Pub. L. 103-156, §12(m)(2), substituted “the Administrator” for “he” in three places.

1976—Subsec. (a). Pub. L. 94-582 inserted “(except an offense prohibited by paragraphs (a)(7), (a)(8), and (b)(4) in which case he shall be subject to the general penal statutes in Title 18 relating to crimes and offenses against the United States)”, increased the punishment for misdemeanors from six months to twelve months and the fine from \$3,000 to \$10,000, and denominated subsequent offenses as felonies, substituting “but, for each subsequent offense subject to this subsection, such person shall be guilty of a felony and shall, on conviction thereof, be subject to imprisonment for not more than five years, or a fine of not more than \$20,000, or both such imprisonment and fine” for “but if such offense is committed after one conviction of such person under this section has become final, such person shall be subject to imprisonment for not more than one year, or a fine of not more than \$5,000, or both such imprisonment and fine”.

Subsec. (b). Pub. L. 94-582 substituted “Administrator” for “Secretary” and inserted provision that nothing in this chapter shall be construed as requiring the Administrator to report any violation of this chapter for prosecution when he believes that institution of

a proceeding under section 86 of this title will obtain compliance with this chapter and he institutes such a proceeding.

Subsec. (c). Pub. L. 94-582 added subsec. (c).

EFFECTIVE DATE OF 1976 AMENDMENT

For effective date of amendment by Pub. L. 94-582, see section 27 of Pub. L. 94-582, set out as a note under section 74 of this title.

EFFECTIVE DATE

For effective date of section, see section 2 of Pub. L. 90-487, set out as an Effective Date of 1968 Amendment note under section 78 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 79, 79a, 86 of this title.

§ 87d. Responsibility for acts of others

When construing and enforcing the provisions of this chapter, the act, omission, or failure of any official, agent, or other person acting for or employed by any association, partnership, or corporation within the scope of the employment or office of the official, agent, or other person shall, in every case, also be deemed the act, omission, or failure of such association, partnership, or corporation as well as that of the person.

(Aug. 11, 1916, ch. 313, pt. B, §15, as added Aug. 15, 1968, Pub. L. 90-487, §1, 82 Stat. 768; amended Nov. 24, 1993, Pub. L. 103-156, §12(n), 107 Stat. 1529.)

AMENDMENTS

1993—Pub. L. 103-156, which directed amendment of “Section 15” by substituting “the employment or office of the official, agent, or other person” for “his employment or office”, without specifying the name of the Act being amended, was executed to this section, which is section 15 of the United States Grain Standards Act, to reflect the probable intent of Congress.

EFFECTIVE DATE

For effective date of section, see section 2 of Pub. L. 90-487, set out as an Effective Date of 1968 Amendment note under section 78 of this title.

§ 87e. General authorities

(a) Authority of Secretary

The Secretary is authorized to conduct such investigations; hold such hearings; require such reports from any official agency, any State agency delegated authority under this chapter, licensee, or other person; and prescribe such rules, regulations, and instructions, as the Secretary deems necessary to effectuate the purposes or provisions of this chapter. Such regulations may require, as a condition for official inspection or official weighing or supervision of weighing, among other things, (1) that there be installed specified sampling, handling, weighing, and monitoring equipment in grain elevators, warehouses, and other grain storage or handling facilities, (2) that approval of the Secretary be obtained as to the condition of vessels and other carriers or receptacles for the transporting or storing of grain, and (3) that persons having a financial interest in the grain which is to be inspected (or their agents) shall be afforded an opportunity to observe the weighing, loading, and